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PLANNING COMMISSION
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MINUTES
APRIL 6, 2022

The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Alternate Kevin Haas and Chairman Arnold Finaldi Jr. Also present was Deputy Planning Director Jennifer Emminger and Planning Department Intern Allie Smith.

Absent were Joel Urice and Alternate Gary Renz.

Chairman Finaldi asked Mr. Haas to take Mr. Urice's place for the items on tonight's agenda.

Mrs. Hoffstaetter made a motion to accept the March 23, 2022 minutes. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with four ayes (from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi). Mr. Haas was not present at the meeting so he abstained from this vote.

Chairman Finaldi noted that the next regular meeting is scheduled for April 20, 2022 at 7:30 PM.

PUBLIC HEARING:

Barbara, Samuel L., Joseph V., & Angelo P. Jr. Scalzo Jr.- Application for Special Exception/Revised Site Plan Approval for Use Generating Over 500 Vehicle Trips Per Day (Grocery Store) in the C-CBD Zone - 33 Crosby St (I13048) in the C-CBD Zone – SE #786.

Chairman Finaldi read the legal notice into the record. Speaking in favor of this application was PE Steve Sullivan from Carroccio-Covill & Associates. Mr. Sullivan said this property is located on the corner of Crosby Street and Lee Hartell Drive, and consists of approximately 19,300 sq.ft. He said that it is zoned C-CBD and also is within the Downtown Revitalization Zone (DRZ). There is a two-story building on the site and a parking lot containing nineteen spaces. There are two apartments on the second floor and on the first floor there are two restaurants, PapaJohn's and Los Andes. There also is a 3,900 sq.ft. vacant space which was previously a dance studio, and is where the market is going to be located. He said the Zoning Board of Appeals (ZBA)

granted a variance in March of this year to reduce the parking requirement for a grocery store and also a variance was granted in 2010 to provide offsite parking for employees of the site. He added that the existing apartments and restaurant tenant spaces will remain unchanged and there are no proposed changes to the site. The only site improvements will be the signage, and lastly access to the site will be from an existing two-way driveway on Lee Hartell Drive.

Mrs. Emminger said she had received the City Traffic Engineer's report after 4 PM today so she did not have a chance to get it to the Commission members. She said one of the things the Traffic Engineer is asking for is a crosswalk across Maple Avenue. Since there are no site improvements proposed for this project, Dan Bertram has agreed to include this with the revisions that are being proposed for Brookview Commons at 30 Crosby Street. She said the report also asked that they get an easement from Omaha Beef, but the site has been operating for years without this.

Also speaking in favor of this was Molly Pause from VHB. She said she had worked with Joe Balskus on the traffic report for this project. She went over the basics of the proposal and cited the existing versus the proposed traffic conditions. She explained the traffic generation counts which are based on the ITE (Institute of Transportation Engineers) manual. She said this use is not really large enough to be a grocery store and also is too specific (as an Indian Market) to be a convenience store. She said the report makes reference to two other similar stores, so they were able to use them for reference. The report's conclusion is that this project will generate approximately 11 total vehicle trips during the weekday morning peak and 35 trips during the evening peak hour with an immaterial impact to the adjacent roadways. Also the parking occupancy is expected to be well below the industry standard of 85% occupancy.

Chairman Finaldi asked if this is a special exception use because of the traffic. Mrs. Emminger said the addition of the grocery store to the other existing uses pushed the trips to over 500 trips per day. Mr. Chiochio asked if this store moves out would any grocery store be able to go in this site. Mrs. Emminger said that is correct although the parking would need to be reviewed at that time.

Also speaking in favor of this was Dan Bertram from BRT. He said this will be a good addition to the other businesses in the downtown. He added that the Maple Street crosswalk is a good idea but not for this application, so he said they will include it in the revised site plan for Brookview Commons.

Mrs. Hoffstaetter asked how the deliveries would be made to the grocery store and the two restaurants. And also where is the dumpster located and where will they put the snow when it has to be removed. Mr. Sullivan said all of the deliveries are made during non-business hours of the businesses. Mr. Bertram said the dumpster is located on the Omaha Beef side of the building and the snow removal has not yet been an issue as there are plenty of places to put it.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one. He then asked Mrs. Emminger if they are waiting for any other reports. Mrs. Emminger said they are not so they can close the hearing tonight.

Mr. Chiochio made a motion to close the public hearing. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with five ayes. Mrs. Hoffstaetter then made a motion to move this to item one under the Old Business on tonight's agenda. Mr. Haas seconded the motion and it was passed unanimously by voice vote with five ayes.

OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Barbara, Samuel L., Joseph V., & Angelo P. Jr. Scalzo Jr.- Application for Special Exception/Revised Site Plan Approval for Use Generating Over 500 Vehicle Trips Per Day (Grocery Store) in the C-CBD Zone - 33 Crosby St (I13048) in the C-CBD Zone – SE #786.

The Commission members gave Mrs. Emminger the following guidance so she can prepare a resolution of approval for the next meeting. Mrs. Hoffstaetter said this is not much of a change and the trip generation is because of the combination of uses on the site. Mr. Salvagne said he had parking concerns but the variance granted by ZBA addresses them. Mr. Chiochio said he concurs with Mrs. Hoffstaetter and Mr. Salvagne.

REFERRAL:

8-24 Referral – March City Council Agenda Item #9: Sale of City Property, 33 East Franklin Street & 72-80 Maple Avenue.

Mrs. Emminger reviewed her report on this saying that the City Council had voted to declare these properties surplus and put them up for sale (through the RFP process) subject to a positive report from the Planning Commission. The City acquired these properties in 2020 through foreclosure. She added that both properties are plagued by environmental issues. The East Franklin Street property contains a dilapidated industrial building and the Maple Avenue property is a paved parking area. Both properties are zoned IL-40. Mr. Chiochio asked why the City acquired these parcels. Mrs. Emminger said there were tax liens for the water and sewer taxes. Mrs. Emminger noted that because of the way the City acquired these properties, the City is not responsible for filing an Environmental Land Use Restriction (EULA) on the land records, but specialized environmental land use attorneys will be involved in the sale. Mr. Salvagne made a motion to give this a positive recommendation for the following reasons:

- Selling these parcels will provide an opportunity to return the land to the City tax rolls and capitalize on the current development that is going on in the downtown. It is noted that because of how the City acquired these parcels, they are not responsible for filing an environmental land use restriction on the City land records.

Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

NEW BUSINESS:

Pioneer Realty LLC – Application for Special Exception/Site Plan Approval for (1) Use Generating Over 500 Vehicle Trips Per Day & (2) Sale or Rental of Automobiles and Trucks In Accordance with Section 6.a.5.g. of the Zoning Regulations (Curry Automotive) in the IL-40 Zone - 1 & 15 Miry Brook Road (G18007 & G18026) – SE # 785. Public hearing scheduled for May 4, 2022.

Chairman Finaldi noted that this site is located on the corner of Sugar Hollow Road and Miry Brook Road. He said this application would be on file in the Planning & Zoning office.

OTHER MATTERS:

Chairman Finaldi said he was very sad to announce that Vice-Chairman Joel Urice had passed away last week on March 24, 2022. All of the Commission members expressed their sympathy and spoke briefly about how much his wit and wisdom would be missed.

Chairman Finaldi noted that there was nothing listed under Correspondence and under For Reference Only there were two public hearings scheduled for April 20, 2022 and two floodplain permits

At 8:25 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with five ayes.

Respectfully submitted,

JoAnne V. Read
Planning Assistant